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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,613

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Mauri Kangas

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EXAMINER

ZHU, BO HUI ALVIN

ART UNIT

PAPER NUMBER

2619

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,613

Applicant(s)

KANGAS ET AL.

Examiner

Bo Hui A. Zhu

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 11 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claim drawn to a "computer program" does not constitute statutory subject matter such as a process, machine, article of manufacture or composition of matter. In contrast, a claimed computer-readable medium encoded or embodied with a computer program product of code, or instructions, is a computer element which, when executed by a computer, defines structural and functional interrelationships between the instructions and the computer to permit the instructions functionality to be realized, and is thus statutory.

Please see pages 30 and 53 of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 4, 7, 8, 11 – 15, 18, 19, 22 – 25, 27, 28, 34 – 37 and 43 - 45 are rejected under 35 U.S.C. 102(b) as being anticipated by the Applicant Admitted Prior Art (AAPA) (pages 1 and 2 of the specification; "One mechanism ... receiving device can decrypt it accordingly").

(1) with regard to claims 1, 11 and 12:

The AAPA discloses a system and method, comprising: encapsulating the data according to a first protocol to produce a data packet (page 1, last paragraph, lines 4 – 6); mapping the data packet onto a transport packet (page 1, last paragraph, lines 8 – 9); encoding filtering information in a filtering field included in the transport packet (page 1, 1st paragraph, lines 1 - 8; also disclosed in the EN 301 192 reference, which was cited by the Applicant as prior art, as the MAC address of the destination is used as filtering information for identifying the intended recipients of the packet); and repeatedly transmitting the transport packet using a data carousel mechanism (page 1, last paragraph, lines 11 - 12).

(2) with regard to claim 23:

The AAPA disclose a method and system, comprising: forming a header containing an identifier relating to a data carousel (see Table 2-2 of the ISO/IEC reference, which was cited by the Applicant as prior art, the PID is the identifier); forming a payload comprising data to be transmitted to one or more users of one or more receiving devices (a payload portion is inherent to a MPEG-2 transport packet for storing the data to be transmitted); and forming a filtering field containing filtering information relating to said one or more receiving devices (page 1, 1st paragraph, lines 1 - 8; also disclosed in the EN 301 192 reference, which was cited by the Applicant as prior art, as the MAC address of the

destination is used as filtering information for identifying the intended recipients of the packet).

(3) with regard to claims 27, 35 and 36:

The AAPA discloses a system and method, comprising: encapsulating the data according to a first protocol to produce a data packet (page 1, last paragraph, lines 4 – 6); mapping the data packet onto a transport packet (page 1, last paragraph, lines 8 – 9); incorporating within the transport packet payload scrambling control mode information relating to an encryption status of the data packet mapped onto said transport packet (payload_scrambling_control field in Table 3 of the EN 301 192 reference); and repeatedly transmitting the transport packet using a data carousel mechanism (page 1, last paragraph, lines 11 - 12).

(4) with regard to claim 45:

The AAPA disclose a method and system, comprising: forming a header containing an identifier relating to a data carousel (see Table 2-2 of the ISO/IEC reference, which was cited by the Applicant as prior art, the PID is the identifier); forming a payload scrambling control mode field containing scrambling control mode information, said scrambling control mode information being unrelated to a an encryption status of said header. (the payload_scrambling_control field in Table 3 of the EN 301 192 reference).

(5) with regard to claims 2, 13, 24:

The AAPA further disclose the filtering information is a part or whole of an address associated with one or more data receiving devices (disclosed in the EN 301 192

reference in which the MAC address of the destination is used as filtering information for identifying the intended recipients of the packet).

(3) with regard to claims 3, 14:

The AAPA further discloses the address is an IP or MAC address (disclosed in the EN 301 192 reference in which the MAC address of the destination is used as filtering information for identifying the intended recipients of the packet)

(4) with regard to claims 4, 15, 34 and 43:

The AAPA further discloses the data packet is mapped onto an MPEG-2 transport packet (page 1, last paragraph, line 8).

(5) with regard to claims 7, 18, 25:

The AAPA further discloses the step of mapping the data packet comprises encoding scrambling information indicating a scrambling control mode of the data packet, said scrambling information being unrelated to a scrambling control mode of the transport packet (payload_scrambling_control field in Table 3 of the EN 301 192 reference).

(6) with regard to claims 8, 19:

The AAPA further disclose the data packet contains reserved bits and the step of mapping the data packet onto the transport packet comprises replacing said reserved bits with the scrambling information (see Table 3, 2 reserved bits have been used for representing the payload_scrambling_control field).

(7) with regard to claims 22 and 44:

The AAPA disclose all of the subject matter as discussed in the rejection of claim 12 and further discloses a DVB communication network; and one or more receiving devices (a

DVB data carousel is a DVB communication network and contains at least one receiving device).

(8) with regard to claims 28 and 37:

The AAPA discloses the first protocol is defined by the DSM-CC standard and the data is encapsulated according to the DSM-CC datagram section format (page 1, lines 4 - 7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 9, 16, 17, 20, 29, 31, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant Admitted Prior Art (AAPA) ((pages 1 and 2 of the specification; "One mechanism ... receiving device can decrypt it accordingly").

(5) with regard to claims 5, 16, 29 and 38:

The AAPA further discloses the data is an MMS message (the EN 301 192 reference discloses video and audio data or messages are transmitted with MPEG-2 packets) and is encapsulated according to the DSM-CC datagram section format with a table id within the range 0x40 to 0xFF (the EN 301 192 reference, on page 13, discloses that the table id should be set to 0x3E).

Although the AAPA does not disclose the table id is within the range of 0x40 to 0xFF, it would have been obvious matter of design choice to set the table id value to either 0x3E, or a value within the range of 0x40 to 0xFF, and it appears that the system would perform equally well with the value of the table id set to any one value as stated above.

(2) with regard to claims 6, 17, 31 and 40:

The AAPA further discloses the first protocol is a DSM-CC protocol (page 1, last paragraph, lines 4 – 7). Although the AAPA does not specifically disclose the location and format of the filtering information corresponds to a location and format of filtering information in a transport packet formed from the same data when encapsulated according to a DVB-MPE protocol, the DSM-CC and DVB-MPE protocols are very similar and compliant to each other, and the EN 301 192 reference discloses a location and format of the filtering information according to a DVB-MPE protocol (see Table 3 and related content on Fig. 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the location and format of the filtering information as disclosed in the EN 301 192 reference in order to improve the system compatibility with the DVB-MPE protocol.

(3) with regard to claims 9, 20:

Although the AAPA does not specifically disclose the location and format of the scrambling information corresponds to a location and format of scrambling information in a transport packet formed from the same data when encapsulated according to a DVB-MPE protocol, the DSM-CC and DVB-MPE protocols are very similar and compliant to each other, and the EN 301 192 reference discloses a location and format of the scrambling

information according to a DVB-MPE protocol (see Table 3 and related content on Fig. 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the location and format of the scrambling information as disclosed in the EN 301 192 reference in order to improve the system compatibility with the DVB-MPE protocol.

7. Claims 10, 21, 26, 30, 32, 33, 39, 41, 42, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant Admitted Prior Art (AAPA) ((pages 1 and 2 of the specification; "One mechanism ... receiving device can decrypt it accordingly") in view of Akachi (US 7,069,436).

(1) with regard to claims 10, 21, 26, 30, 32, 33, 39, 41, 42, 46 and 47:

The AAPA does not specifically disclose the scrambling information comprises a first bit indicating whether or not the data packet has been scrambled, wherein, if the data packet has been scrambled, the second bit indicates a scrambling control mode.

Akachi teaches a similar method in which the scrambling information comprises a first bit indicating whether or not the data packet has been scrambled, wherein, if the data packet has been scrambled, the second bit indicates a scrambling control mode (column 15, line 52 – column 16, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of the AAPA with the teaching from Akachi in order to achieve greater conformity with the DVB specification.

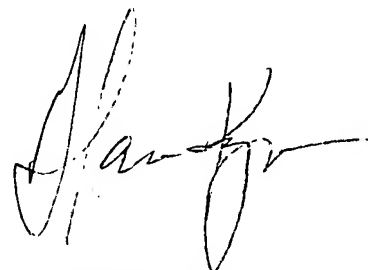
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bo Hui A. Zhu whose telephone number is (571)270-1086. The examiner can normally be reached on Mon-Thur 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BZ
Examiner
January 16, 2008



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